

III. Remarks

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Claims 1-36 were originally filed in the present application. Of these, claims 34-36 have been cancelled without prejudice or disclaimer in response to a restriction requirement. Claims 7-15 and 24-27 are also withdrawn from consideration in response to an election requirement, but remain pending in the application.

No claims are currently cancelled. However, new claims 37-39 are currently added. Consequently, claims 1-6, 16-23, 28-33, and 37-39 remain pending and under consideration.

IV. Rejections under 35 U.S.C. §102 and §103 in view of Xu

Several claims have been rejected under 35 U.S.C. §102(e) or 35 U.S.C. §103(a) in view of U.S. Pat. App. No. 2004/0157457 to Xu, et al. ("Xu"). However, Xu fails to teach or suggest each and every element recited in either of the independent claims 1 and 37 of the present application, and therefore their dependent claims,

For example, the polymer features in Xu are temporary features, employed during the definition of spacers 1230 from the silicon dioxide or silicon nitride spacer material 1215. In contrast, the polymer spacers recited in the claims of the present application are not temporary features. That is, after the polymer spacers of the present application are formed, subsequently formed features (e.g., contact regions and/or insulating layers) adjacent and/or over the polymer spacers contact the polymer spacers, because the polymer spacers are not removed. Xu only discloses the temporary use of polymer features when defining permanent spacers 1230, and does not disclose that the permanent spacers 1230 or the spacer material layer 1215 can comprise a polymer material deposited by employing a fluorine-containing plasma. Thus, Xu does not disclose forming in-situ polymer spacers that remain as features of the end product, and instead teaches explicitly that polymer spacers formed from polymer film 1220 are removed after defining the silicon dioxide or silicon nitride spacers 1230.

Consequently, Xu fails to both anticipate or obviate any of the claims currently pending and under consideration.

V. Conclusion

Favorable consideration and an early indication of the allowability of the claims are respectfully requested. Should the Examiner deem that an interview with Applicants' undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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Dated: 1-23-06

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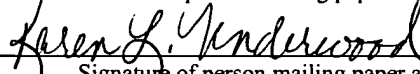
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DATE OF DEPOSIT: January 23, 2006

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